

76-5969

Honorable James B. Rhoads
Archivist of the United States
General Services Administration
National Archives & Records Service
Washington, D.C. 20408

Dear Dr. Rhoads:

In response to your letter of 7 June to Director Bush requesting clarification of his 2 June letter to Senator Hugh Scott, particularly the references to "records which were collected and maintained by the Agency and which were subject to investigation by the Rockefeller Commission and the Select Committee and to the Privacy Act and Executive Order 11905 requiring the destruction of records," I am outlining below CIA policy on the destruction of records. Such policy was published in the Federal Register, Vol. 41, No. 226, 22 November 1976.

All records, including those falling under General Records Schedules, will be covered by records control schedules approved by NARS prior to their destruction.

Routine administrative records not involved under Senate Resolution No. 21 that are scheduled for immediate destruction will be destroyed upon receipt of NARS approval and after appropriate clearance by the Senate Select Committee on Intelligence.

Records involved under Senate Resolution No. 21 that are scheduled for immediate destruction will be destroyed after NARS approval, and appropriate concurrence from the Senate Select Committee on Intelligence, but in no case prior to the expiration of the current moratorium on the destruction of records, 10 December 1976.

Any Agency documents and materials which are identified by our General Counsel as the subject of litigation or of possible litigation, or as of interest in matters under investigation by the Justice Department, will not be destroyed without the prior concurrence of the General Counsel. This includes documents and materials relating to Freedom of Information Act and Privacy Act requests to the Agency.

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Extra copies of all documents mentioned above and copies of all other documents preserved only for convenience of reference or for distribution stocks of publications will be destroyed when no longer needed.

For your information, the Agency intends to meet the 31 December 1976 deadline for the submission to NARS of updated comprehensive records control schedules. To date, 13 Agency records control schedules have been submitted to NARS for final approval and five additional schedules have had a preliminary review by your appraiser and will be forwarded for approval within the next few weeks.

While Agency records management practices must be consistent with the Director's responsibilities under the National Security Act of 1947 and the Central Intelligence Act of 1949, I assure you the Agency's position relating to the disposal of records will also be consistent with the provisions of the Federal Records Act as amended. Agency records control schedules will be made available to selected NARS officials for their review and your approval prior to implementation of any records disposition.

Faithfully yours,

E. H. Knoche
Deputy Director

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